

UNITED STATES DISTRICT COURT

Eastern District of Pennsylvania

UNITED STATES OF AMERICA

v.

GEORGE GEORGIU

JUDGMENT IN A CRIMINAL CASE

Case Number: 09-000088-001

USM Number: 61499-066

Michael F. Bachner, Esq.

Defendant's Attorney

FILED  
DEC 14 2010  
MICHAEL E. KUNZ, Clerk  
By Dep. Clerk

THE DEFENDANT:

☐ pleaded guilty to count(s)

☐ pleaded nolo contendere to count(s)  
which was accepted by the court.

☒ was found guilty on count(s) 1 thru 9 (inclusive)  
after a plea of not guilty.

The defendant is adjudicated guilty of these offenses:

Title & Section	Nature of Offense	Offense Ended	Count
18 U.S.C. 371	Conspiracy	9/30/2008	1
15 U.S.C. 78j(b) & 78ff	Securities fraud	9/30/2008	2-5
17 C.F.R. 240.10b-5	(continued on page 2)		

The defendant is sentenced as provided in pages 2 through 8 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

☐ The defendant has been found not guilty on count(s)

☐ Count(s) is ☐ are dismissed on the motion of the United States.

DEFENDANT:

It is ordered that the defendant must notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States attorney of material changes in economic circumstances.

11/19/2010

Date of Imposition of Judgment

Signature of Judge

ROBERT F. KELLY

Name of Judge

Offense Ended

9/30/2008 USDJ(Sr.)

Title of Judge

Date

Nov. 14, 2010

The assigned judge

Title & Section	Nature of Offense
18 U.S.C. 371	Conspiracy
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17 C.F.R. 240.10b-5	

The defendant is sentenced as provided in pages 2 through 8 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

☐ The defendant has been found not guilty on count(s)

☐ Count(s)

COPIES TO ALL PARTIES

DEFENDANT: GEORGE GEORGIU

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### ADDITIONAL COUNTS OF CONVICTION

[illegible]

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## IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of:

300 months. This consists of 60 months imposed as to Counts 1,3,4,5,6,7,8 & 9, to run concurrently to each other. This is followed by a sentence of 240 months imposed as to Count 2, to run consecutively to the sentence imposed on the counts noted above.

☒ The court makes the following recommendations to the Bureau of Prisons:

The Court recommends that the defendant be incarcerated at FCI--Milan, Michigan, due to family considerations.

☒ The defendant is remanded to the custody of the United States Marshal.

☐ The defendant shall surrender to the United States Marshal for this district:

☐ at 09-000088-001 ☐ a.m. ☐ p.m. on \_\_\_\_\_

☐ as notified by the United States Marshal.

☐ The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:

☐ before 2 p.m. on by 2010

☐ as notified by the United States Marshal.

☐ as notified by the Probation or Pretrial Services Office.

## RETURN

☒ The court makes the following:

I have executed this judgment as follows:

The Court recommends that the defendant be:

☒ The defendant is remanded to the custody of the United States Marshal.

Defendant delivered on \_\_\_\_\_ to \_\_\_\_\_

a \_\_\_\_\_, with a certified copy of this judgment.

☐ as notified by the United States Marshal.

The defendant shall surrender to the United States Marshal:

☐ before 2 p.m. on \_\_\_\_\_

☐ as notified by the United States Marshal.

☐ as notified by the Probation or Pretrial Services Office.

UNITED STATES MARSHAL

By \_\_\_\_\_  
DEPUTY UNITED STATES MARSHAL



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## SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of:

3 years on Counts 1,2,3,4,5,6,7,8 & 9, to run concurrently to each other. The defendant shall allow full access to his financial records, including yearly income tax returns, as requested by the Probation Officer. He shall cooperate in any

The defendant must report to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.

The defendant shall not commit another federal, state or local crime.

The defendant shall not unlawfully possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court.

- ☐ The above drug testing condition is suspended, based on the court's determination that the defendant poses a low risk of future substance abuse. *(Check, if applicable.)*
- ☒ The defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon. *(Check, if applicable.)*
- ☒ The defendant shall cooperate in the collection of DNA as directed by the probation officer. *(Check, if applicable.)*
- ☐ The defendant shall comply with the requirements of the Sex Offender Registration and Notification Act (42 U.S.C. § 16901, *et seq.*) as directed by the probation officer, the Bureau of Prisons, or any state sex offender registration agency in which he or she resides, works, is a student, or was convicted of a qualifying offense. *(Check, if applicable.)*
- ☐ The defendant shall participate in an approved program for domestic violence. *(Check, if applicable.)*

If this judgment imposes a fine or restitution, it is a condition of supervised release that the defendant pay in accordance with the Schedule of Payments sheet of this judgment.

The defendant must comply with the standard conditions that have been adopted by this court as well as with any additional conditions on the attached page.

## STANDARD CONDITIONS OF SUPERVISION

- 1) the defendant shall not leave the judicial district without the permission of the court or probation officer;
- 2) the defendant shall report to the probation officer and shall submit a truthful and complete written report within the first five days of each month;
- 3) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 4) the defendant shall support his or her dependents and meet other family responsibilities;
- 5) the defendant shall work regularly at a lawful occupation, unless excused by the probation officer for schooling, training, or other acceptable reasons;
- 6) the defendant shall notify the probation officer at least ten days prior to any change in residence or employment;
- 7) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician;
- 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 9) the defendant shall not associate with any persons engaged in criminal activity and shall not associate with any person convicted of a felony, unless granted permission to do so by the probation officer;
- 10) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view of the probation officer;
- 11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 12) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court; and
- 13) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

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### ADDITIONAL SUPERVISED RELEASE TERMS

investigation of his financial dealings by the Probation Officer and he shall provide truthful monthly statements of his income. The defendant shall not encumber or liquidate interest in any assets unless it is direct service of the restitution obligation or otherwise has the express approval of the Court. The defendant shall cooperate with Immigration and Customs Enforcement (ICE) authorities regarding his residency status and if deported, the defendant shall not re-enter the United States without the written permission of the U.S. Attorney General.

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### TERMS

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### CRIMINAL MONETARY PENALTIES

The defendant must pay the total criminal monetary penalties under the schedule of payments on Sheet 6.

	<u>Assessment</u>	<u>Fine</u>	<u>Restitution</u>
TOTALS	\$ 900.00	\$	\$ 55,832,398.00

☐ The determination of restitution is deferred until \_\_\_\_\_. An Amended Judgment in a Criminal Case (AO 245C) will be entered after such determination.

☒ The defendant must make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid before the United States is paid.

Name of Payee	Total Loss*	Restitution Ordered	Priority or Percentage
Clerk, U.S. District Court	\$55,832,398.00	\$55,832,398.00	1
for distribution to: GEORGE GEORGIU			
Accuvest (\$3,613,856.00)			
c/o William Wright Associates			
3100 Oak Rd., Ste. 380			
Walnut Creek, CA 94597			
(see next page for further restitution information)			

TOTALS	\$ 55,832,398.00	\$ 55,832,398.00
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☐ Restitution amount ordered pursuant to plea agreement \$ \_\_\_\_\_

☐ The defendant must pay interest on restitution and a fine of more than \$2,500, unless the restitution or fine is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 6 may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).

☒ The court determined that the defendant does not have the ability to pay interest and it is ordered that:

☐ the interest requirement is waived for the ☐ fine ☒ restitution.

☐ the interest requirement for the ☐ fine ☐ restitution is modified as follows:

\* Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.



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### ADDITIONAL RESTITUTION PAYEES

<u>Name of Payee</u>	<u>Total Loss*</u>	<u>Restitution Ordered</u>	<u>Priority or Percentage</u>
Temple Financial Group, Ltd. (\$16,000,000.00) (for the benefit of Alex Barrotti)			
Temple Financial Centre 228 Leeward Highway, Providenciales Turks and Caicos Islands, BWI			
Caledonia/Deloitte (\$22,000,000.00) Attn: Anthony Kikivacaras 2nd Terrace West Centreville Nassau, Bahamas (N-7120)			
Alliance (\$5,980,748.00) Attn: Julian R. Brown, President & Director Church Cottage Temple Financial Group, Ltd. (210) East Morden for the benefit of Alex Barrotti Dorset, England BH20 7DW			
Individual Victims of HYHY Fraud (\$8,327,794.00) c/o Clerk's Office U.S. District Court, Eastern District of PA 601 Market St., Rm. 2609 Phila., PA 19106			
Individual Victims of HYHY Fraud			

\* Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

Dorset, England BH20 7DW

Individual Victims of HYHY Fraud

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Findings for the total amount of  
imprisonment after September 13, 1994, but before

## SCHEDULE OF PAYMENTS

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties is due as follows:

- A ☐ Lump sum payment of \$ \_\_\_\_\_ due immediately, balance due  
☐ not later than \_\_\_\_\_, or  
☐ in accordance ☐ C, ☐ D, ☐ E, or ☐ F below; or
- B ☒ Payment to begin immediately (may be combined with ☐ C, ☐ D, or ☒ F below); or
- C ☐ Payment in equal \_\_\_\_\_ (e.g., weekly, monthly, quarterly) installments of \$ \_\_\_\_\_ over a period of \_\_\_\_\_ (e.g., months or years), to commence \_\_\_\_\_ (e.g., 30 or 60 days) after the date of this judgment; or
- D ☐ Payment in equal \_\_\_\_\_ (e.g., weekly, monthly, quarterly) installments of \$ \_\_\_\_\_ over a period of \_\_\_\_\_ (e.g., months or years), to commence \_\_\_\_\_ (e.g., 30 or 60 days) after release from imprisonment to a term of supervision; or
- E ☐ Payment during the term of supervised release will commence within \_\_\_\_\_ (e.g., 30 or 60 days) after release from imprisonment. The court will set the payment plan based on an assessment of the defendant's ability to pay at that time; or
- F ☒ Special instructions regarding the payment of criminal monetary penalties:

The defendant shall participate in the Bureau of Prisons' Inmate Financial Responsibility Program and shall pay restitution of \$25.00 per quarter while incarcerated. Upon his release from custody, he shall make a minimum restitution payment of \$500.00 per month while on supervised release, to commence 30 days after his release from confinement.

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the clerk of the court.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

- ☒ Payment to begin immediately
- ☐ Payment in equal \_\_\_\_\_ (e.g., monthly)
- ☐ Joint and Several
- ☐ Payment in equal \_\_\_\_\_
- Defendant and Co-Defendant Names and Case Numbers (including defendant number), Total Amount, Joint and Several Amount, and corresponding payee, if appropriate.
- ☐ Payment during the term of imprisonment. The court will
- ☒ Special instructions regarding
- ☐ The defendant shall pay the cost of prosecution.  
The defendant shall pay
- ☐ The defendant shall pay the following court cost(s):  
restitution payment of
- ☒ The defendant shall forfeit the defendant's interest in the following property to the United States:

A separate forfeiture Order of \$26,000,000.00 was entered in favor of the Government and against the defendant on the day of sentencing, 11/19/10.

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) fine interest, (6) community restitution, (7) penalties, and (8) costs, including cost of prosecution and court costs.